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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,306	02/08/2002	Tetsuo Seto	03797.00249	1102

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EXAMINER
MARIAM, DANIEL G

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/071,306	SETO ET AL.
	Examiner	Art Unit	
	DANIEL G. MARIAM	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-22* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>28 February 2002</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/20/2002</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-4 and 12-22 are rejected under 35 U.S.C. 102(b) as being anticipated by

Agulnick, et al. (5,347,295).

With regard to claim 1, a method of triggering handwriting recognition (See for example,

Fig. 44), the method comprising: determining that a pen has moved up from an inking position to

a non-inking position, i.e., the lifting of the pen from the surface, determining that the pen has

moved from inside a handwriting-recognition task area to outside of the handwriting-recognition

task area, i.e., the departure of the stylus from proximity to the display's surface, and triggering

handwriting recognition for handwriting entered in the handwriting-recognition task area, i.e.,

underlined sections, based upon determining that the pen has moved both up from the inking

position into the non-inking position and from inside to outside of the handwriting-recognition

task area (See for example, col. 17, lines 48-60; and col. 3, lines 41-66).

With regard to claim 2, the method of claim 1, wherein determining that the pen has

moved from inside to outside of the handwriting-recognition task area further comprises:

tracking a location of the pen while the pen is in the non-inking position and is separated from a

writing surface by a distance that is greater than zero and less than or equal to a maximum

trackable distance (See for example, col. 17, lines 48-50; and col. 9, lines 1-6).

With regard to claim 3, the method of claim 1, further comprising: inhibiting

handwriting-recognition triggering when the pen is in the inking position (Although Agulnick

does not use the exact language in the claim, the description stated at col. 17, lines 52-58 is in

fact inhibits the activation of handwriting recognition while the user is writing, and the only time

the handwriting recognition is triggered is when the user lifts the pen from the surface).

With regard to claim 4, the method of claim 1, further comprising: triggering handwriting

recognition if the pen remains in a non-inking position for longer than a handwriting-

recognition-trigger timeout duration (which reads on col. 17, lines 52-58).

With regard to claim 12, a computer system that accepts handwritten input, the system

comprising: a pointing device, i.e., stylus, a writing surface, i.e., display surface, that tracks a

location of the pointing device while the pointing device is less than or equal to a maximum-

trackable distance away from the writing surface, i.e., departure of the stylus from proximity to

the display's surface (See for example, Fig. 1, col. 9, lines 1-6; col. 17, lines 48-50); a

handwriting-recognition-trigger module that receives pointing-device-location, i.e., movement

occurred by the stylus while the user is writing on the surface, data and triggers handwriting

recognition when the received pointing-device-location data indicates that the pointing device

has gone, i.e., departed, from inside to outside of a handwriting task area and has transitioned

from an inking orientation writing surface to a non-inking orientation, i.e., lifting the pen (See

for example, col. 17, lines 48-60; and col. 3, lines 41-66).

With regard to claim 13, the system of claim 12 wherein: the pointing device is selected

from the group consisting of: a pen, a mouse, and a trackball; and the writing surface is a writing

surface of a digitizer (See for example, Fig. 1).

With regard to claim 14, the system of claim 13 wherein: the digitizer detects when the

pen is farther away from the digitizer than the maximum-trackable distance; and the

handwriting-recognition-trigger module triggers handwriting recognition upon receiving an

indication that the digitizer has detected that the pen is farther away from the digitizer than the

maximum-trackable distance (Which reads on col. 9, lines 1-6; and col. 17, lines 48-58).

With respect to claim 15, claim 12 encompasses the limitation of this claim, and thus

arguments presented above for claim 12 are not repeated herein, but are incorporated by

reference. As to a computer-readable medium containing computer-executable instructions

for triggering handwriting recognition (See for example, Fig. 3, and the computerized form

shown in Fig. 44).

With regard to claim 16, the computer-readable medium of claim 15 containing further

computer-executable instructions for performing steps comprising: not triggering handwriting

recognition when handwriting is not present in the first handwriting-recognition task area,

Agulnick, et al activates or triggers the handwriting recognition upon completion of one or

more entries in the underlined sections shown in FIG. 44, for example.

With regard to claim 17, the computer-readable medium of claim 15 containing further

computer-executable instructions for performing steps comprising: upon determining that the pen

has transitioned to the non-inking state, activating a handwriting-recognition-timeout period that,

upon elapsing, triggers handwriting recognition (which reads on col. 17, lines 52-58).

With regard to claim 18, The computer-readable medium of claim 15 containing further

computer-executable instructions for performing steps comprising: upon determining that the pen

is down in an inking state, inhibiting triggering handwriting recognition for the first handwriting

recognition area while the pen remains in the inking state (Although Agulnick does not use the

exact language in the claim, the description stated at col. 17, lines 52-58 is in fact inhibits the

activation of handwriting recognition while the user is writing, and the only time the handwriting

recognition is triggered is when the user lifts the pen from the surface).

With respect to claim 19, claim 12 encompasses the limitation of this claim, and thus

arguments presented above for claim 12 are not repeated herein, but are incorporated by

reference. As to a computer-readable medium containing computer-executable instructions

for triggering handwriting recognition (See for example, Fig. 3, and the computerized form

shown in Fig. 44).

Claims 20, 21, and 22 are respectively rejected the same as claims 16, 17 and 18. Thus,

arguments analogous to those presented above for claims 16, 17, and 18 are equally

applicable to claims 20, 21, and 22.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agulnick, et

al. (5347,295).

With regard to claim 5, Agulnick, et al. Discloses a system that triggers handwriting

recognition (See for example, Figs. 1 & 44), the system comprising: a pen-down event, i.e.,

writing on the surface while the stylus is in contact with the surface, lifting the stylus the stylus

from the display/writing surface, handler that sets an inking, i.e., writing, (flag) to indicate that

inking has started in a handwriting-recognition task area, i.e., underlined sections, upon a pen-

down event occurring in a core task area of the handwriting-recognition task area; a pen-up

event, i.e., lifting the stylus from the display/writing surface, handler that (clears) the inking flag

to indicate that inking is not in progress upon occurrence of a pen-up event, and a pen-movement

event handler that, while the inking flag is cleared and upon a pen-movement event occurring,

triggers handwriting recognition upon determining that a pen has moved outside of the

handwriting-recognition task area, i.e., the departing of the stylus from proximity to the display

surface (See for example, col. 17, lines 48-60; and col. 3, lines 41-66).

Although Agulnick, et al. does not expressly provide an inking flag to indicate that inking

has started and clearing the flag to indicate that inking is not in progress upon occurrence of a

pen-up event, it would have been an obvious matter of design choice to modify the movement

made by the stylus by having an inking flag and clearing the flag (what this means is that,

whenever the stylus is in contact the recognizer will know that writing is not complete and when

the stylus is lifted the recognizer will know writing is complete as taught in Agulnick, et al (See

for example, Fig. 44)) to trigger the handwriting recognition, since no new or unexpected results

are seen to be attained by providing the inking flag and clearing the inking flag, and it appears

that the events (pen-lift and pen-down) generated by the movement of the stylus would equally

indicate when the inking/writing is started and when the inking/writing is completed so as to

activate the handwriting recognition.

With regard to claim 6, the system of claim 5, wherein the pen-movement-event handler

does not trigger handwriting recognition when handwriting is not present in the handwriting-

recognition task area, Agulnick, et al activates or triggers the handwriting recognition upon

completion of one or more entries in the underlined sections shown in FIG. 44, for example.

With regard to claim 7, the system of claim 5, wherein the pen-up event handler activates

a handwriting-recognition-timeout period that, upon elapsing, triggers handwriting recognition

(which reads on col. 17, lines 52-58).

With regard to claim 8, the system of claim 5, wherein the pen-down event handler inhibits triggering of handwriting recognition while inking is in progress in the handwriting-recognition task area (Although Agulnick does not use the exact language in the claim, the description stated at col. 17, lines 52-58 is in fact inhibits the activation of handwriting recognition while the user is writing, and the only time the handwriting recognition is triggered is when the user lifts the pen from the surface).

Claim 9 is rejected the same as claim 5. Thus, argument analogous to that presented above for claim 5 is equally applicable to claim 9. As to triggers handwriting recognition upon determining that the pen is up and has moved outside of the handwriting-recognition task area, applicants' attention is invited to col. 17, lines 48-58).

Claims 10 and 11 are rejected the same as claims 6 and 7. Thus, arguments analogous to those presented above for claims 6 and 7 are equally applicable to claims 10 and 11.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent Numbers: 5633952, 5848187, 5926567, and 5991441.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL G. MARIAM whose telephone number is 571-272-7394. The examiner can normally be reached on M-F (7:00-4:30) FIRST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, BHAVESH M. MEHTA can be reached on 571-272-7453. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DANIEL MIRIAM
PRIMARY EXAMINER

July 11, 2005